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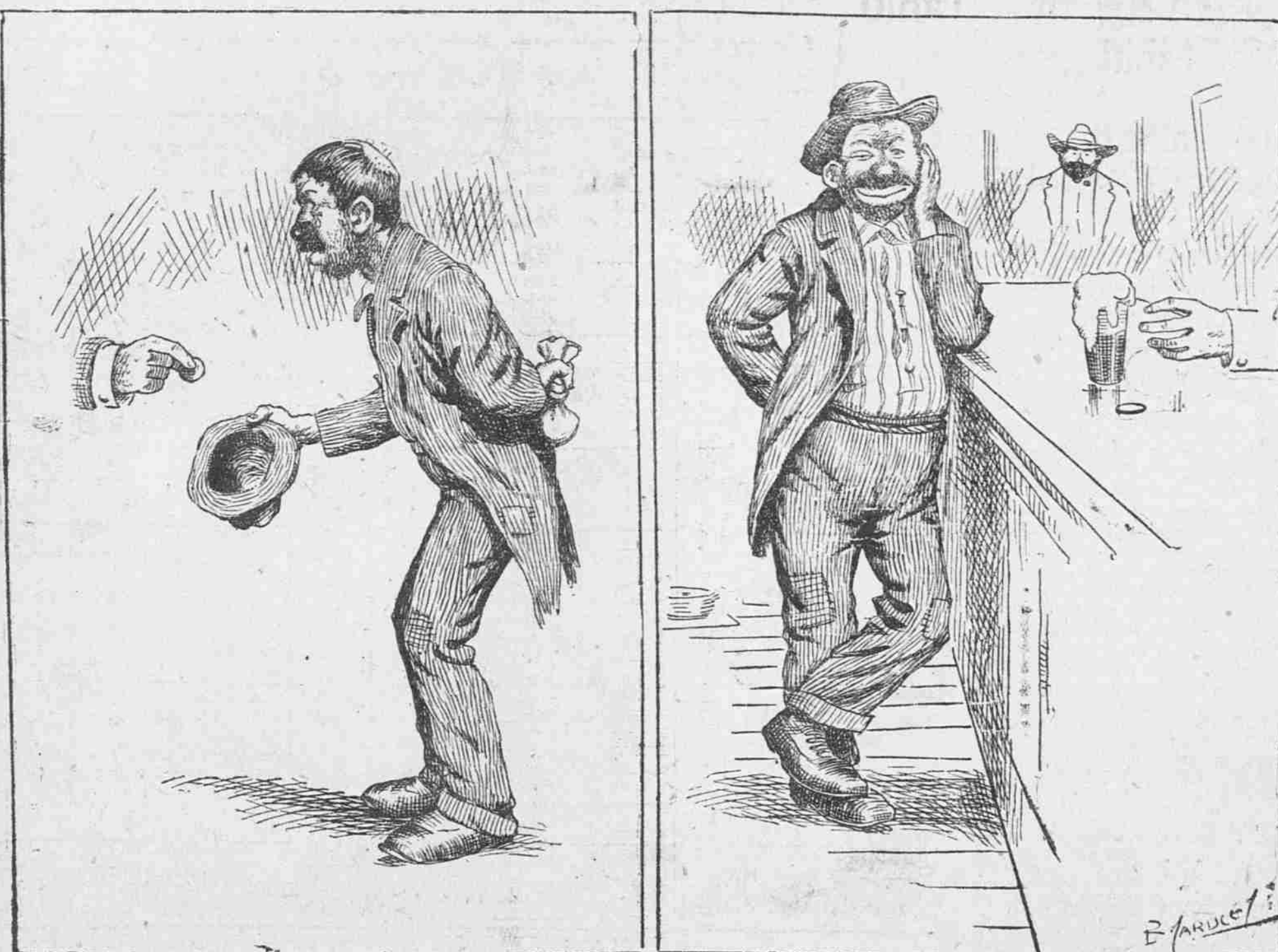
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THE BEGGAR AND HIS ALMS.



HOW THE MONEY COMES.

WHERE THE MONEY GOES.

JUROR TOOK
JAG CURE

Hagey Case May
End in Mistrial
Again.

Another mistrial is likely to result in the case of Harrison vs. Magoon, all because one of the jurymen sitting upon the matter, took the Hagey gold cure at one time. A verdict has been reached and is sealed in the hands of the clerk, but will not be opened until Judge Gear decides the motion made by defendants for discharge of the jury on the ground that the Hagey member is disqualified. It is believed that the verdict which lies sealed in an envelope, is for plaintiff for the full amount sued upon, \$10,000 with interest at six per cent from March 10, 1898.

While the court and attorneys were sitting around early yesterday morning, awaiting for the jury to agree, they discussed the Hagey cure quite extensively. Judge Gear happened to ask in the course of the conversation if Vincent Fernandez, one of the jurors on the case under consideration, had not taken the cure. This led to further inquiry on the part of Attorney McClanahan, and before court opened yesterday he continued his investigation, with the result that the casual remark was confirmed.

Immediately upon the opening of court, McClanahan moved for the discharge of the jury on the ground that one of its members was disqualified. He said in presenting the motion that he had verified the report, and offered to present testimony in support of the fact. He thought that the question was a vital one, and it was unfair to both parties to have Fernandez on the jury. Attorney Robertson objected to such procedure and argued that the proper time to examine jurymen was when they were qualifying, and not after the case had been submitted. The court allowed the evidence as to the disqualification of the juror to be heard. A brother of the juror in question, Fernandez, was first put on the stand, and testified that he had been told that his brother was taking the "cure," and

that afterwards he had inquired as to the truth of the report, and Vincent had replied that it was correct. Q. H. Berrey testified to nearly the same facts, though he was even more positive of it. This was in 1898 the witness stated, and at the Arlington Annex.

Judge Gear then stated that he knew of the matter, saying that he had seen an entry on his brother's books of \$100 for Fernandez, for the Hagey gold cure. McClanahan went on the stand also to explain how he had first heard of the report.

Attorney Robertson again objected to any interference with the jury's verdict. He said: "I don't see how the court can refuse to accept the verdict, if that juror wasn't examined as to that question, the examination was waived, and only a constitutional question can now be raised to disqualify a juror."

DAVIS RELIEVES THE STRAIN.

Just at this point Attorney Davis broke into the courtroom in his usual impetuous manner, and somewhat relieved the strain with the startling query, addressed to the court:

"The Supreme Court is full. Have they got to wait for this gold cure?"

Davis was all unconscious of the joke until attorneys and court awakened him with a chorus of laughter, and the court replied:

JURY BROUGHT IN.

An agreement was then reached that the hearing of the motion to withdraw the jury should be postponed, and the verdict of the jury sealed until the question was decided. Then it was the jury's turn to start a little run.

"Have you agreed upon a verdict?" asked the court.

"We have not," replied H. Z. Austin, who was foreman. This caused somewhat of a surprise, as it was the general opinion that the verdict had been reached before. Then one of the other jurors relieved the situation by saying:

"That is a mistake, your Honor. We have reached a verdict, but there is still one minor detail to be settled. The verdict has been signed, however."

Another juror here spoke up, and said they wanted more instructions, which Attorney Robertson requested should be given them. The foreman then asked that the court instruct the jury as to the date of the demand by Harrison for the return of his money. The court stated that this was a matter of fact, but told them the date—March 10, 1898. From this it appeared to be the general opinion that the verdict was for defendant, and they wished to compute the interest from the day the return of the money was demanded.

After their return to the jury room, the attorneys again argued as to what should be done. Robertson contending that the verdict was proper, and should be received. He finally consented to a sealed verdict, the question of disqualification to be argued this morning. The jury returned in a few minutes with the verdict sealed in an envelope, and handed it to the clerk for safe keeping. The jury was then excused until this afternoon, and cautioned against talking about the verdict with any one.

GRAND JURY CALLED IN.

The grand jury was summoned into court by mistake yesterday morning, but where the fault lay was not ascertained by the court. When the jury filed into the courtroom Judge Gear asked Prince David for the report. The foreman said no report was ready, and stated that they had not concluded their labors.

"Didn't you ask to be called into court?" asked Judge Gear, with a puzzled air.

"No, sir."

The court then called to the two bailiffs present in the room, and questioned them as to whether they had not told him the grand jury was ready to report. Both Hopkins and Ellis denied the responsibility, and the jury was sent back, leaving the court more puzzled than ever.

SUIT ON NOTE.

Another suit on note where interest at the rate of ten per cent a month was

charged, was heard by Judge Gear yesterday. It was the suit of Q. H. Berrey vs. Harrison on appeal from the District Court. The suit was on a note for \$125, which defendant claimed to have already paid. He testified that Berrey had lent him a hundred dollars a year ago, for which he gave a note for \$125 and agreed to pay interest at the rate of ten per cent a month. Some time afterwards Berrey told him the note had been lost, and he (Harrison) signed a new note for \$125, which included interest. Harrison testified that he had made one payment of \$50, another of \$5 and a third of \$5.38, and thought he had paid it all. The case was concluded yesterday afternoon and submitted to the court for a decision to be given later.

CHINESE WITNESS IN TROUBLE.

Al Leong, a Chinese, subpoenaed to appear before the grand jury yesterday, and who failed to obey, was arrested upon a bench warrant during the afternoon, and taken before Judge Gear in chambers. The witness, through the interpreter, testified that he was too sick to come, but had no intention of disobeying the court's mandates. Judge Gear rebuked him severely upon his action, and cautioned him that if he ever again refused to obey a subpoena he would be heavily fined.

CATCHART ON THE BENCH.

The Supreme Court heard arguments all day yesterday in the famous Kamalo suit, and will continue the hearing this morning. Acting Attorney General Catchart occupied a seat upon the bench, as the second associate, Judge Little not being able to remain on the bench, owing to court duties at Hilo.

S. M. Ballou opened the argument with a motion on behalf of Frank Foster to have the case remanded to the Circuit court for another trial, on the ground that evidence had not been allowed by the lower court upon the amended pleadings. He was followed by Robertson on the same motion, in behalf of Hustace and Egan. Robertson closed his argument in the afternoon, and was followed by Davis and Stewart for plaintiff. Mr. Stewart will continue his argument today.

FITCH GETS ANOTHER BIG FEE.

Tom Fitch gets a \$2,000 fee for his share in having the Kama Kapikini spendthrift trust terminated. The estate amounts to a little less than \$10,000, of which Fitch gets twenty per cent gross, Davis gets \$250, Magoon \$250, Humphreys & Gear \$50.

A motion to strike Magoon's appeal from the files was also filed yesterday, on the ground that he is not Kapikini's guardian. He is referred to in the petition as the "late guardian." Kalua Kapikini herself files an affidavit denying that Magoon has any authority to act for her, or that he is her guardian.

A further complication of the case comes in a demand upon Magoon to turn over to Wm. S. Fleming, as trustee, all the property of the trust, particularly three notes of the value of \$200, \$270 and \$300 respectively. Unless the property is delivered by today at noon, Magoon is notified that suit in assumpsit will be entered, and that an order will be asked to show cause for contempt of court in not obeying Judge Little's order. An agreement is made a part of the proceeding, showing Fleming to be trustee, with power to collect rents and pay out all moneys ordered by the court. He is to pay to Fitch all money advanced by him to Kapikini, and to pay to him "twenty per cent of the gross value of all the property, real and personal, that has been or may be released to Kalua Kapikini by virtue of the decision of Judge Little." Fleming, as trustee, is to receive one per cent of the total property as his commission.

COURT NOTES.

In the Kapilani Estate cases, three defendants, Peck & Co., W. R. Castle, trustee, and L. A. Thurston, have joined in request upon plaintiff to produce a paper purporting to be a deed from one Kahopuipui to Kalakaua, dated June 20, 1874.

Supplementary accounts have been filed by Joseph O. Carter, guardian of Edward Julius Hardee and Charles Mark Hardee.

J. B. Morgan has filed his report of the sale of property of the A. C. Peg-

tana estate to John Ouderkrirk, for \$5,000.

A dismissal was filed yesterday by defendant in the case of Jonathan Shaw, collector of taxes, vs. W. W. Ahana.

Judge Gear reversed a decision of Judge Dickey yesterday in the case of Lam Yin and Lan Fong, administrators of the estate of Lam Chong vs. Lee King. The suit was for \$35 on a note which defendant claimed he had paid. In the District Court the defendant was given judgment, but at the trial yesterday Judge Gear reversed that order and found for plaintiff.

Emily Alves has filed suit for divorce against Jose Alves.

A motion for a new trial has been filed in the case of John Cook vs. E. C. Hobron.

A discontinuance was filed yesterday in the libel suit of Robert Lishman vs. Hawaiian Gazette Company.

Judgment was filed yesterday in the case of E. S. Cunha vs. Hawaii Land Company, awarding plaintiff \$715.50 damages, and costs at \$59.40.

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AUCTIONEER

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On Saturday, October 12, 1901 at the mauka entrance of the Judiciary Building at 12 o'clock noon that magnificent RESIDENCE LOT situate on the mauka side of Beretania street distant thereon 300 feet Walkiki of Alapai street, thence thereon Walkiki 66 2-3 feet, more or less, by uniform depth mauka of 140 feet more or less; together with the improvements thereon consisting of a Cottage.

I am instructed to offer the same at an upset price of \$3,500. This being cheap here is an opportunity to get a valuable piece of property at a very low figure.

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